

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

MERITAGE HOMEOWNERS'  
ASSOCIATION, an Oregon domestic  
nonprofit corporation,

Case No. 6:14-cv-01747-TC

ORDER

Plaintiff,

v.

OCWEN LOAN SERVICING, LLC,

Defendant.

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AIKEN, Judge:

Magistrate Judge Coffin issued his Findings and Recommendation in the above-captioned action on March 21, 2016. Magistrate Judge Coffin recommends that the court grant defendants' motions for dismissal and for summary judgment on plaintiff's claim for breach of the covenant of good faith and fair dealing and deny the motions in all other respects. The matter is now before me. *See* 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b).

When either party objects to any portion of a magistrate judge's Findings and Recommendation, the district court must make a de novo determination of that portion of the magistrate judge's report. *See* 28 U.S.C. § 636(b)(1); *McDonnell Douglas Corp. v. Commodore Business Machines, Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

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Defendant objects to the Findings and Recommendation and argues that the court should grant the motions on all claims, arguing that plaintiff presents no evidence to support the remaining claims for declaratory relief, quantum meruit, or equitable subordination. Upon de novo review of Magistrate Coffin's ruling, I agree that questions of fact preclude summary judgment, and I find no error.

Accordingly, it is hereby ORDERED that Magistrate Judge Coffin's Findings and Recommendation (doc. 59) filed March 21, 2016, is ADOPTED. Defendant's motion to dismiss and motion for summary judgment (docs. 27, 37) are GRANTED as to plaintiff's claim for breach of the covenant of good faith and fair dealing and DENIED in all other respects.

Dated this 9 day of September, 2016.

A handwritten signature in black ink, appearing to read "Ann Aiken", is written over a horizontal line.

Ann Aiken  
United States District Judge